

PRELIMINARY ACTION AGENDA  
LAKE FOREST CITY COUNCIL

Regular Meeting of the City Council  
July 20, 2010

Lake Forest City Hall  
25550 Commercentre Drive  
Council Chambers  
Lake Forest, California 92630

PRELIMINARY ACTION AGENDA: The listed Action represents a brief synopsis of the Council action. The Council Minutes, when approved, stand as the official record of the meeting. This Preliminary Action Agenda is provided as quick reference only and is <u>NOT</u> intended to serve as any form of the official record and should not be relied upon in making important decisions. Before making important decisions, you should review the approved minutes.
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CALL TO ORDER: 6:05 p.m.

ROLL CALL:	Council Members:	Kathryn McCullough Marcia Rudolph Mark Tettemer Richard T. Dixon (ABSENT) Peter Herzog
	Mayor Pro Tem:	
	Mayor:	
	City Manager:	Robert C. Dunek
	City Attorney:	Scott C. Smith
	City Clerk:	Stephanie D. Smith

CLOSED SESSION (F: 16.3) 6:05 p.m.

1. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION  
Pursuant to Government Code Section 54956.9(a)  
Existing Litigation  
Number of Cases: 1

City of Lake Forest v. De La Cuesta, et al. (Consolidated Case No. 30-2009 00298887)

2. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION  
Pursuant to Government Code Section 54956.9(a)  
Existing Litigation  
Number of Cases: 1

City of Lake Forest adv. Marla James, et al. (Case No. SACV 10-00402 AG(MLGx))

3. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION  
Pursuant to Government Code Section 54956.9(a) Existing Litigation  
Number of Cases: 4

City of Lake Forest v. Lake Forest Body Centre, Charlie Abujudeh, Julie Ho, Christine Vo & El Toro Plaza, L.P. (Case No. 07-CC11555)

Charlie Abujudeh v. City of Lake Forest (Case No. 07-CC10334)

Julie Ho v. City of Lake Forest (Case No. 30-2008-00107142)

Doris Vo, et al. v. City of Lake Forest, et al. (Case No. 30-2008-00113132)

4. CONFERENCE WITH LABOR NEGOTIATOR  
Pursuant to Government Code Section 54957.6 Agency Designated  
Representative: City Manager  
Unrepresented employees: All City Employees

5. PUBLIC EMPLOYEE PERFORMANCE EVALUATION  
Pursuant to Government Code Section 54957  
Title: City Manager

6. CONFERENCE WITH LABOR NEGOTIATORS  
Pursuant to Government Code Section 54957.6  
Agency designated representative: Mayor  
Unrepresented employee: City Manager

7. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION  
Significant exposure to litigation pursuant to Government Code Section 54956.9(b)  
Number of Potential Cases: 1

ACTION: Conduct Closed Session.

RECESS: City Council recessed from Closed Session at 6:58 p.m. for the purpose of conducting regular City business.

RECONVENE: City Council reconvened at 7:06 p.m. with all Members present with the exception of Mayor Pro Tem Dixon to continue regular City business.

PUBLIC SESSION

7:06 p.m.

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance to the Flag of our Country was led by Eagle Scout Ryan March of Troop 634, preceded by Flag Ceremony conducted by Cubs Scouts, Boy Scouts and Venture Scouts of the Saddleback District of Boy Scouts of America.

CLOSED SESSION REPORT: City Attorney stated there was no reportable action.

#### PRESENTATIONS:

8. CERTIFICATE OF RECOGNITION - 100TH ANNIVERSARY OF BOY SCOUTS OF AMERICA submitted by City Clerk. (F: 55.5) (X: 44.2)

ACTION: On motion by Council Member Tettemer, second by Council Member McCullough, the City Council approved the Certificate of Recognition as submitted.

RECESS: City Council recessed at 7:18 p.m. for the purpose of conducting Redevelopment Agency business.

RECONVENE: City Council reconvene at 7:19 p.m. with all Members present with the exception of Mayor Pro Tem Dixon to continue regular City business.

#### PUBLIC COMMENTS:

The following members of the Public offered comments:

Mark Hearmanson, Lake Forest resident  
Stephen Berger, Attorney, Irvine  
Adam Nick, Lake Forest resident  
Cheryl Burns, Laguna Niguel resident

#### CONSENT CALENDAR - WARRANT REGISTER: (Item No. 9)

9. CERTIFICATION OF WARRANT REGISTER submitted by Director of Finance/City Treasurer.

ACTION: On motion by Council Member McCullough, second by Council Member Rudolph, the City Council approved the warrant register in the amount of \$1,149,860.14 as submitted. MOTION CARRIED with Mayor Pro Tem Dixon absent and Council Member Tettemer abstaining on the warrant payable to Empire Economics.

## CONSENT CALENDAR - MISCELLANEOUS: (Item Nos. 10 - 23)

**ACTION:** On motion by Council Member Tettemer and second by Council Member Rudolph, the City Council approved Consent Calendar Item Nos. \*10-11 and \*13-22. MOTION UNANIMOUSLY CARRIED with Mayor Pro Tem Dixon absent.

- \*10. WAIVE READING OF ORDINANCES AND RESOLUTIONS submitted by City Clerk.

**ACTION:** Approved the reading by title of all Ordinances and Resolutions. Said Ordinances and Resolutions which appear on the public agenda shall be determined to have been read by title and further reading waived.

- \*11. MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL HELD ON JUNE 15, 2010, submitted by City Clerk.

**RECOMMENDED ACTION:** Approved as submitted.

- \*13. MONTHLY TREASURER'S REPORT - JUNE submitted by Director of Finance/City Treasurer. (F: 30.12)

**ACTION:** Received and filed.

- \*14. ADOPTION OF ORDINANCE NO. 215 - GENERAL PLAN AMENDMENT 5-10-1233 submitted by City Clerk. (F: 50.11)

**ACTION:** 1. Conducted second reading of Ordinance No. 215 entitled: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, APPROVING GENERAL PLAN AMENDMENT (GPA) 5-10-1233 TO ALLOW FOR RESIDENTIAL AND MIXED-USES, WITHIN THE OPPORTUNITIES STUDY AREA. 2. Adopted Ordinance No. 215.

- \*15. ADOPTION OF ORDINANCE NO. 216 - ZONE CHANGE 5-10-1234 SHEA-BAKER RANCH submitted by City Clerk. (F: 50.11)

**ACTION:** 1. Conducted second reading of Ordinance No. 216 entitled: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, APPROVING ZONE CHANGE 5-10-1234, SHEA / BAKER RANCH, TO REZONE 387 ACRES WITHIN THE

BAKER RANCH AND FOOTHILL RANCH PLANNED COMMUNITIES FROM URBAN ACTIVITY TO RESIDENTIAL, MIXED-USE, AND OPEN SPACE USES IN THE BAKER RANCH PLANNED COMMUNITY, WITHIN THE OPPORTUNITIES STUDY AREA. 2. Adopted Ordinance No. 216.

- \*16. ADOPTION OF ORDINANCE NO. 217 - SHEA-BAKER RANCH ASSOCIATES DEVELOPMENT AGREEMENT submitted by City Clerk. (F: 50.11B4)

RECOMMENDED ACTION: 1. Conducted second reading of Ordinance No. 217 entitled: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, APPROVING A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF LAKE FOREST AND SHEA / BAKER RANCH ASSOCIATES, LLC FOR CERTAIN REAL PROPERTY LOCATED WITHIN THE CITY OF LAKE FOREST PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 65864 ET SEQ. 2. Adopted Ordinance No. 217.

- \*17. ADOPTION OF ORDINANCE NO. 218 - LAKE FOREST TRANSPORTATION MITIGATION PROGRAM submitted by City Clerk. (F: 50.11C)

RECOMMENDED ACTION: 1. Conducted second reading of Ordinance No. 218, entitled: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, AMENDING CHAPTER 7.19 OF THE LAKE FOREST MUNICIPAL CODE (THE LAKE FOREST TRANSPORTATION MITIGATION PROGRAM) TO INCLUDE GENERAL PLAN AMENDMENT NO. 5-10-1233 RELATING TO THE SHEA-BAKER RANCH PROPERTY. 2. Adopted Ordinance No. 218.

- \*18. BUDGETED POSITIONS FOR FISCAL YEAR 2010-11 AND CLASSIFICATION PLAN submitted by Deputy City Manager/Director of Management Services. (F: 48.4)

ACTION: Adopted Resolution No. 2010-27 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, ADOPTING A REVISED CLASSIFICATION PLAN AND SALARY SCHEDULE.

- \*19. QUARTERLY REPORT ON COMMISSION ATTENDANCE - SECOND QUARTER 2010 submitted by City Clerk. (F: 23.4)

ACTION: Approved Commission absences as excused.

- \*20. ALTON PARKWAY -- SELECTION OF CONSULTANT FOR INSPECTION SERVICES submitted by Director of Public Works/City Engineer. (F: 66.12)

ACTION: Found and determined that the use of a City request for proposal for these services is not in the best interest of the City based on the County's competitive selection process. 2. Selected AECOM as the primary consultant firm and CivilSource as the alternate firm for negotiation of a contract for construction contract administration and inspection services in support of the Alton Parkway project. 3. Authorized the Director of Public Works to negotiate a contract with the primary or alternate firm, as appropriate, and submit it to the City Council for approval.

- \*21. ACCEPTANCE OF PUBLIC IMPROVEMENTS AND RELEASE OF BONDS FOR TRACT MAP 16886 submitted by Director of Public Works/City Engineer. (F: 37.4)

ACTION: 1. Accepted the public improvements constructed by Lake Forest Summit Crest, LLC, a California Limited Liability Company for Tract Map 16886. 2. Authorized the City Clerk to release a Faithful Performance Bond, and a Labor and Materials Bond, each of which is in the amount of \$53,892.90, for public improvements on Osterman Road on the site frontage (Bond No. 350101S). 3. Accepted the Subdivision Warranty Bond (Bond No. 35101S) in the amount of \$5,390 for initiating a one year warranty period from the acceptance of the public improvements. 4. Authorized the City Clerk to release the Subdivision Warranty Bond one year after the acceptance of the public improvements, and with the concurrence of the Director of Public Works.

- \*22. EMPLOYEE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM (CALPERS) CONTRIBUTION submitted by Deputy City Manager/Director of Management Services. (F: 48.5)

ACTION: 1. Adopted Resolution No. 2010-28 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, FOR EMPLOYER PAID MEMBER CONTRIBUTIONS TO CALPERS. 2. Adopted Resolution No. 2010-29 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, FOR EMPLOYER PICK UP. 3. Directed staff to return to the City Council during the 2010-11 mid-year budget review to provide updated information on implementing the second phase of employee

pension cost sharing.

## PULLED CONSENT CALENDAR ITEMS

12. ANNUAL REVIEW OF THE INVESTMENT POLICY submitted by Director of Finance/City Treasurer. (F: 51.2A2)

Council Member Rudolph pulled this item for separate consideration.

ACTION: On motion by Council Member Rudolph, second by Council Member McCullough, the City Council approved the Investment Policy as submitted. MOTION UNANIMOUSLY CARRIED with Mayor Pro Tem Dixon absent.

23. AMENDMENT OF PERSONNEL RULES AND REGULATIONS submitted by Deputy City Manager/Director of Management Services. (F: 51.7)

Council Member Rudolph pulled this item for separate consideration.

ACTION: On motion by Council Member Rudolph, second by Council Member McCullough, the City Council: 1. Adopted Resolution No. 2010-30 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, APPROVING THE AMENDMENT OF THE PERSONNEL RULES AND REGULATIONS. 2. Directed staff to return to the City Council during the 2010-11 mid-year budget review to provide update information on implementing the second phase of employee pension cost sharing. MOTION UNANIMOUSLY CARRIED with Mayor Pro Tem Dixon absent.

## PUBLIC HEARING(S):

24. PROPOSED NEW USER FEES submitted by Deputy City Manager/Director of Management Services. (F: 30.16A)

ACTION: On motion by Mayor Herzog, second by Council Member Rudolph, the City Council adopted Resolution No. 2010-31 entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST, CALIFORNIA, REVISING THE SCHEDULE OF FEES, CHARGES, AND DEPOSITS FOR CITY SERVICES. MOTION UNANIMOUSLY CARRIED with Mayor Pro Tem Dixon absent.

## DISCUSSION/ACTION ITEMS:

25. STATUS UPDATE ON IMPLEMENTATION OF THE LIGHT INDUSTRIAL AREA REVITALIZATION ACTION PLAN submitted by Assistant City Manager. (F: 50.7A2)

ACTION: Received update on implementation of the Revitalization Action Plan for the Light Industrial Area and provide direction as appropriate.

26. LEGISLATIVE AND REGULATORY MATTERS submitted by the Assistant to City Manager. (F: 72.2B)

ACTION: Received and filed report.

27. REQUEST FOR APPOINTMENT - LEAGUE OF CALIFORNIA CITIES submitted by City Clerk.

ACTION: The City Council made no appointments.

#### CITY MANAGER'S REPORT:

City Manager Dunek offered comments.

#### CITY COUNCIL COMMENTS:

Council Member McCullough offered comments.

Council Member Rudolph offered comments.

Council Member Tettemer offered comments.

Mayor Pro Tem Dixon was absent.

Mayor Herzog offered comments.

#### CONTINUED CLOSED SESSION:

There was no continued Closed Session.

ADJOURNMENT: 8:20 p.m.